

2021 May-10 AM 10:22
U.S. DISTRICT COURT
N.D. OF ALABAMA

Alabama Department of Corrections

INCIDENT REPORT

1. Institution/Division: LIMESTONE CORRECTIONAL CENTER		2. Date: 9/4/2019	3. Time: 4:00:00 PM	4. Inc. No: LCF-19-01151 Class Code: C
5. Type of Incident - PRIMARY: Failure to Obey a Direct Order of ADOC Employee			6. ASCA Incident Type - PRIMARY:	
7. Type of Incident - Secondary: N/A			8. ASCA Incident Type - Secondary:	
9. Who Received Report: MCKENZIE, DENICE			10. Time Incident Reported: 9/4/2019 4:45:00 PM	
11. Location of Incident: Dormitory B				
12. Victim(s):		Name N/A AIS		
13. Suspect(s):		Name COUNCIL, ROBERT AIS 00181418		
14. Witness(es):		Name N/A AIS		
PHYSICAL EVIDENCE:				
15. Type of Evidence / Description: N/A			16. Chain of Evidence / Location & Date: N/A	
17. Narrative Summary: ON September 4, 2019 at approximately 4:45 p.m., A-Side Yard Rover Officer James Romine entered the Shift Commanders Office escorting inmate Robert Council B/181418 (62 Brim) B78-1B and inmate Council's property. Officer Romine reported to the Shift Commander Lieutenant Denice McKenzie that inmate Council refused to move to inmate Council's reassigned bed. Officer Romine gave inmate Council a direct order to move and inmate Council refused stating, "I'm not moving take me to lock up." Lieutenant McKenzie instructed Officer Romine to escort inmate Council to Dormitory A, Health Care Unit for a body chart and placement into Dormitory C, Restrictive Housing for failure to obey a direct order by an ADOC employee. At approximately 5:05 p.m., Nurse Shannon Garth conducted a body chart on inmate Council with no noted injuries. At approximately 5:15 p.m., Officer Romine escorted inmate Council and inmate Council property to Dormitory C. Dormitory C Rover Officer Joshua Wilburn secured inmate Council's property inside the property room of Dormitory C. At approximately 6:30 A-Night relieving Officer Brandon Cothrum inventoried inmate Council's property and secured the property inside the property room. Officer Cothrum processed inmate Council into Restrictive Housing. Inmate Council was secured inside C6-1A. Officer Romine initiated disciplinary actions against inmate Council for rule violation-925 failure to obey a direct order by an ADOC Official. 9/5/2019 4:39 PM by denice.mckenzie Signature: _____				

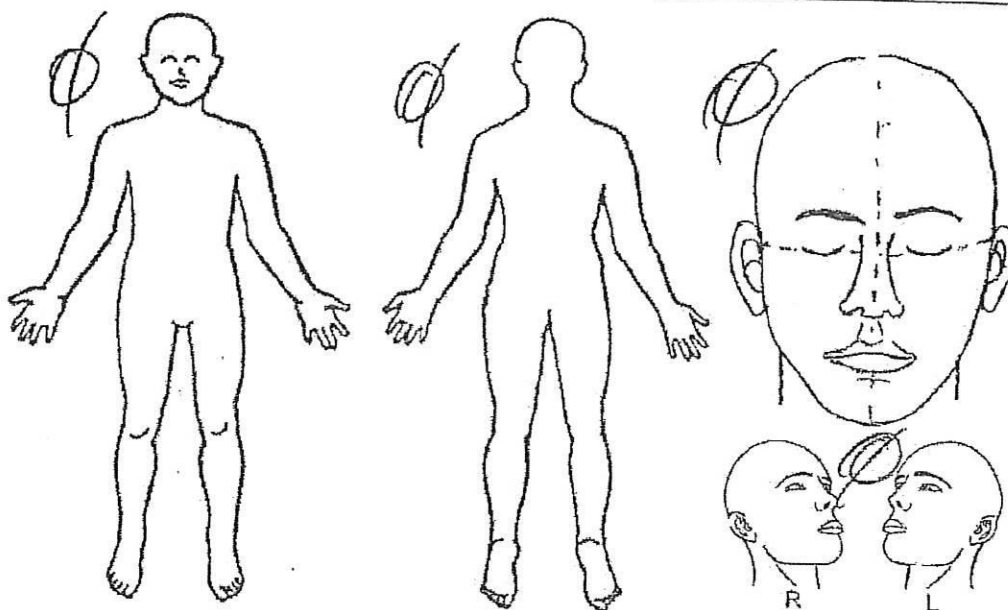
Alabama Department of Corrections
Inmate Body Chart Documentation Form



Institution: LCF Date: 9/4/19 Time: 17:00
Individual Requesting Body Chart (print name): McKenzie Title: LT

Inmate statement:

"because they locking me up"



Description of markings:

NO VISIBLE SKIN WOUNDS, NO VISIBLE INJURIES
PT DENIES PAIN OR DISCOMFORT.
RETURN TO DOC.

Check below:

- ☐ *Progress Note additionally completed and filed in the inmate health record.
- ☐ *Special Health Needs Communication Form completed and distributed, as necessary.

Health Professional (signature): [Signature] Date: 9/4/19 Time: 17:05

Inmate Name: Council, Robert AIS #: 181418 DOB: [Redacted]

CP70007AL
Issued 8/2014

File: Original-Inmate Health File Copy: ADOC Official
ADOC Office of Health Services Form E 11 (a) 8/2014

Officer Statement

On September 4, 2019 at approximately 4:00 p.m., I Officer James Romine received the bed movement list for Dormitory B. I made announcements for the inmates listed to move to their reassigned beds. You, inmate Robert Council 181418 approached me with your property and stated that you were not moving you rather go to lock up. I ordered you to exit the Dormitory to be escorted to the Shift Commander Office so the information could be reported to the Shift Commander, Lieutenant Mckenzie. We entered the Shift Commanders Office I reported the incident to Lieutenant Mckenzie. Lieutenant Mckenzie questioned you to why you were not moving. You again repeated to Lieutenant Mckenzie that you were not moving you would go to lock.

James Romine, CO

Alabama Department of Corrections

DISC006

DISCIPLINARY REPORT

403A Final

Incident Report Number: LCF-19-01151

1. Inmate: COUNCIL, ROBERT EARL

Custody: MEDIUM

AIS: 00181418X

2. Institution: LIMESTONE CORRECTIONAL CENTER

Disc #: LCF-19-01151-1

3. The above Inmate is being charged by: ROMINE, JAMES D

with a violation of the following Rule(s):

925 - Failure to obey a direct order of an ADOC Employee

From Administrative Regulation #403, which occurred on or about:

Sep 4 2019 4:00PM at Dormitory B

A hearing on this charge will be held after 24 hours from being served.

4. Circumstances of the violation(s) are as follows:

You, inmate Robert Council B/181418 did refuse a direct order given by Officer Romine for you to move to your reassigned bed. You stated that you were not moving from your bed, you would go to lock-up.

09/04/2019

Date

ROMINE, JAMES D / Officer

Arresting Officer Name / Title

5. I hereby certify that on this 5th day of September, 2019, at (time) 17:45:00, I have personally served a copy of the foregoing upon the above named inmate and I have informed the inmate of his/her right to present oral or written statement at the hearing and to present written questions for the witnesses.

SCHOOLEY, MICHAEL J

Serving Officer Name / Title

See Signed 403A (1-4)

Inmate's Signature / AIS Number

6. Witnesses desired?

NO: See Signed 403A (1-4)

YES:

Inmate's Signature

Inmate's Signature

7. If yes, list: N/A

8. Hearing Date: September 11, 2019

Time: 23:58:00

Place: Shift Commander's Office

9. Inmate must be present in Hearing Room. If he / she is not present, explain in detail on additional page and attach.

10. The Arresting Official, Inmate, and all Witnesses were sworn to tell the truth.

JONES, MICHAEL J

Hearing Officer Name / Title

11. A finding is made that the inmate is capable of representing himself / herself.

JONES, MICHAEL J

Hearing Officer Name / Title

12. Plea:

COUNCIL, ROBERT EARL / 00181418X

Guilty

13. Arresting Official's testimony (at the hearing):

On September 4, 2019 at approximately 4:00 p.m., I Officer James Romine received the bed movement list for Dormitory B. I made announcements for the inmates listed to move to their reassigned beds. You, inmate Robert Council 181418 approached me with your property and stated that you were not moving you rather go to lock up. I ordered you to exit the Dormitory to be escorted to the Shift Commander Office so the information could be reported to the Shift Commander, Lieutenant McKenzie. We entered the Shift Commanders Office I reported the incident to Lieutenant McKenzie. Lieutenant McKenzie questioned you to why you were not moving. You again repeated to Lieutenant McKenzie that you were not moving you would go to lock.

14. Inmate's testimony:

I'm guilty.

Run Date: 9/17/2019 9:05:09 AM

Page 1 of 4

Alabama Department of Corrections
DISCIPLINARY REPORT CONTINUATION LCF-19-01151-1
 403A Final

DISC006

15. The inmate was allowed to submit question(s) to all witnesses. Copy of questions and answers are attached.

JONES, MICHAEL J

Hearing Officer Name / Title

16. The following witnesses were not called:

N/A

17. After hearing all of the testimony, the Hearing Officer makes the following findings of fact (Be Specific):

The hearing Officer finds that:

On September 4, 2019, Inmate Council d'd fail to obey Officer Romine's order to move to a reassigned bed.

18. Basis for finding of fact:

Arresting Officer's statement and Inmate Council's guilty plea.

19. Hearing Officer's decision: ☒ Guilty ☐ Not Guilty ☐ Recommend for reinitiation

20. Hearing Officer's recommendation of sanction(s) to be taken against this inmate:

☐ Counseling / Warning

☐ Extra Duty for ____ days at ____ hours per day under supervision ____ Shift

☐ Loss of Outside privileges for ____ days

Community Based Institutions Only:

☒ Loss of Canteen privileges for 45 days, as of 09/16/2019

☐ Draw cut to __ (min \$25) for __ days

☒ Loss of Telephone privileges for 45 days, as of 09/16/2019

☐ Restriction / State Whites for ____ days

☒ Loss of Visiting privileges for 45 days, as of 09/16/2019

☐ Loss of Passes for ____ days

☐ Removal from Hobby Craft

☐ Return to Inmate Staff for ____ days

☐ Loss of Good Time ____ Yrs ____ Mos ____ Dys

☒ Disciplinary Seg for 45 days

☐ Recommend Custody Review

☐ Recommend Job Change

☐ Financial Compensation ____

JONES, MICHAEL J

Hearing Officer Name / Title

21. Warden's Action - Date: 09/16/2019

Approved _____

Disapproved _____

Other (specify) Stephen Langford Approved with following Sanction Changes; Loss of Canteen privileges changed to 21 days; Loss of Telephone privileges changed to 21 days; Loss of Visiting privileges changed to 21 days; Disciplinary Seg changed to 21 days

Run Date: 9/17/2019 9:05:09 AM

Page 2 of 4

Alabama Department of Corrections
Mental Health Referral Form



Inmate/Patient Information:	
Name: <u>Cornell Robert</u>	AIS#: <u>181418</u>
Facility: <u>CC</u>	Housing Unit: <u>C200m</u>
Date of referral: <u>9-4-19</u>	Time: <u>1200</u>
Reason for Referral: <u>Seg Placement</u>	
Person Making Referral:	
Name: <u>A. MOSS</u>	Date: <u>9/4/19</u> Time: <u>1200</u>
Title: <u>RN</u>	Additional Info:
<input type="checkbox"/> ADOC Employee <input checked="" type="checkbox"/> Medical/Mental Health Staff <input type="checkbox"/> Patient (Self-Referral) <input type="checkbox"/> Other	
Referral Received by Triage Registered Nurse:	
Name: <u>A. MOSS</u>	Title: <u>RN</u>
Date Received: <u>9/4/19</u>	Time Received: <u>1200</u>
Triage Registered Nurse Completing Information Below:	
Signature: <u>A. MOSS RN</u>	
Date: <u>9/4/19</u>	Time: <u>1200</u>
Nurse Determination	
<input type="checkbox"/> Emergent referral required (Notify On-Call MHP or Psychologist) ** <input type="checkbox"/> Urgent referral required (Notify On-Call MHP or Psychologist) ** <input checked="" type="checkbox"/> Routine referral required (Notify MH next business day)	
MHP or Psychologist Notified? <u>yes</u>	Name: <u>Bailey</u> Date: <u>9-4-19</u> Time: <u>1200</u>
Referral to Psychiatrist indicated?	
Comments:	
*Triage nurse must be an R.N. with mental health training **Emergent or Urgent Referrals- Notify MHP or Psychologist within 1 hour	

ADOC - Office of Health Services
MH E-5.5 (a)
092018

Daily Medical Monitoring (Other indicated physical examinations should be documented in the patient's medical record progress notes)

NA0095
Issued 10/2012

Exhibit C

NCDT019

Alabama Department of Corrections
INCIDENT REPORT

1. Institution/Division: LIMESTONE CORRECTIONAL CENTER		2. Date: 10/3/2019	3. Time: 1:00:00 AM	4. Inc. No: LCF-19-01295 Class Code: C
5. Type of Incident - PRIMARY: Hunger Strike				
6. Type of Incident - Secondary: N/A				
7. Who Received Report: WILLIAMS, BRANDI M			8. Time Incident Reported: 10/3/2019 1:05:00 AM	
9. Location of Incident: Dormitory C				
10. Victim(s):	Name N/A	AIS	STG Name	
11. Suspect(s):	Name COUNCIL, ROBERT	AIS 00181418	STG Name	
12. Witness(es):	Name N/A	AIS	STG Name	
PHYSICAL EVIDENCE:				
13. Type of Evidence / Description: N/A			14. Chain of Evidence / Location & Date: N/A	
15. Narrative Summary: <p>On October 3, 2019, Officer Alexander Isom was assigned as the Cubicle Officer in Dormitory C. At approximately 1:00 AM, Officer Isom notified Sergeant Brandi Williams that inmate Robert Council B/181418 (C12-1A) (62 Brim) announced that inmate Council was declaring a hunger strike. At approximately 1:05 AM, Sergeant Williams reported the hunger strike to Licensed Practical Nurse Ashley Finley. At approximately 2:00 AM, Licensed Practical Nurse, Nancy Voitz, entered Dormitory C to conduct an assessment of inmate Council. Inmate Council refused to cooperate. At approximately 3:00 AM, inmate Council did consume the morning meal. At approximately 12:10 PM, Licensed Practical Nurse Lachelle Proctor completed a Hunger Strike Monitoring sheet on inmate Council. At approximately 4:00 PM, the investigation of inmate Council was completed. Inmate Council ended the hunger strike and returned to Dormitory B. Nothing Follows 10/4/2019 2:40 AM by brandi.williams 10/4/2019 2:40 AM by brandi.williams</p>				
Signature: _____				

NCDT019

Alabama Department of Corrections
INCIDENT REPORT

1. Institution/Division: LIMESTONE CORRECTIONAL CENTER		2. Date: 10/29/2019	3. Time: 11:35:00 PM	4. Inc. No: LCF-19-01420 Class Code: C
5. Type of Incident - PRIMARY: Contraband - Possession or Discovery				
6. Type of Incident - Secondary: Disorderly Conduct				
7. Who Received Report: THOMPSON, CHARLES T			8. Time Incident Reported: 10/29/2019 11:55:00 PM	
9. Location of Incident: Dormitory B Cell 25				
10 Victim(s):	Name N/A	AIS		STG Name
11. Suspect(s):	Name COUNCIL, ROBERT	AIS 00181418		STG Name
12. Witness(es):	Name N/A	AIS		STG Name
PHYSICAL EVIDENCE:				
13. Type of Evidence / Description: Drug Other / five (5) small pieces of paper believed to be sprayed with an unknown chemical commonly known as the drug "FLAKKA".			14. Chain of Evidence / Location & Date: ROBERT COUNCIL AIS: 00181418 / Dormitory B Cell 25 10/29/2019 11:35:00 PM DUSTIN BREWER / Right front pocket 10/29/2019 11:42:00 PM CHARLES THOMPSON / Right front pocket 10/29/2019 11:55:00 PM I and I Evidence Box / Central Control 10/30/2019 6:00:00 AM	
15. Narrative Summary: On October 29, 2019, Officer Dustin Brewer was assigned as a population rover. At approximately 11:35 p.m., Sergeant Charles Thompson, Officer Brandon Cothrum, and Officer Brewer entered Dormitory B to conduct a routine search of the Dormitory. Officers Brewer and Cothrum entered Cell 25 to conduct a search of inmate Robert Council's B/181418(B25-1A) (62 Brim) personal property inside Dormitory B. At approximately 11:42 p.m., during the search Officer Brewer confiscated five (5) small pieces of paper believed to have been sprayed with an unknown chemical commonly known as the drug "Flakka" inside an envelope concealed in inmate Council's personal property box. Officer Brewer placed the contraband in Officer Brewer's front right pocket. Officer Brewer called for a Supervisor to report to Cell 25 via handheld Radio and placed inmate Council in handcuffs, double-locked. At approximately 11:55 p.m., Sergeant Charles Thompson entered Cell 25. Officer Brewer notified Sergeant Thompson of the incident and turned over the contraband. Sergeant Thompson placed the contraband in Sergeant Thompson's front right pocket. Sergeant Thompson questioned inmate Council about the cut pieces of paper inside the envelope, inmate Council became loud and argumentative stating that inmate Council did not know anything about the paper inside the envelope. Sergeant Thompson instructed Officers Christopher Allen and Zakery Hashman to escort inmate Council to the Health Care Unit for a Medical Assessment and to Dormitory C for placement in the Restrictive Housing Unit. On October 30, 2019, at approximately 12:30 a.m., Sergeant Thompson entered the Shift Commander's office to conduct a black light test on the paper. During the black light test it was confirmed that the confiscated paper was laced with an unknown chemical spray. Sergeant Thompson took one (1) digital photograph of the contraband. Sergeant Thompson instructed Officer's Jesse White and Aaron Brolsma to report to Dormitory B and pack and escort inmate Council's personal property to Dormitory C. At approximately 12:35 a.m., Sergeant Thompson notified Lieutenant Vernus Miles of the incident. At approximately 1:00 a.m., Licensed Practical Nurse Ashley Finley completed a Body Chart on inmate Council with no noted injuries (Attached). At approximately 1:05 a.m., Officers Allen and Hashman entered Dormitory C with inmate Council. Officer Brolsma entered Dormitory C escorting inmate Council's property. Officer David Roggensack processed inmate Council and secured inmate Council in Cell C16-1A. At approximately 1:45 a.m., Sergeant Thompson secured inmate Council's personal property inside the Dormitory C Property Room. At approximately 6:00 a.m., Sergeant Thompson placed the contraband in the I&I Evidence Box. Officer Brewer initiated Disciplinary Action against inmate Council for Rule Violation #934-Possession of Contraband and				

Alabama Department of Corrections
INCIDENT REPORT CONTINUATION LCF-19-01420

15. Narrative Summary:

Rule Violation #314-Disorderly Conduct. No further action taken. 10/30/2019 3:02 AM by charles.thompson

Signature: _____

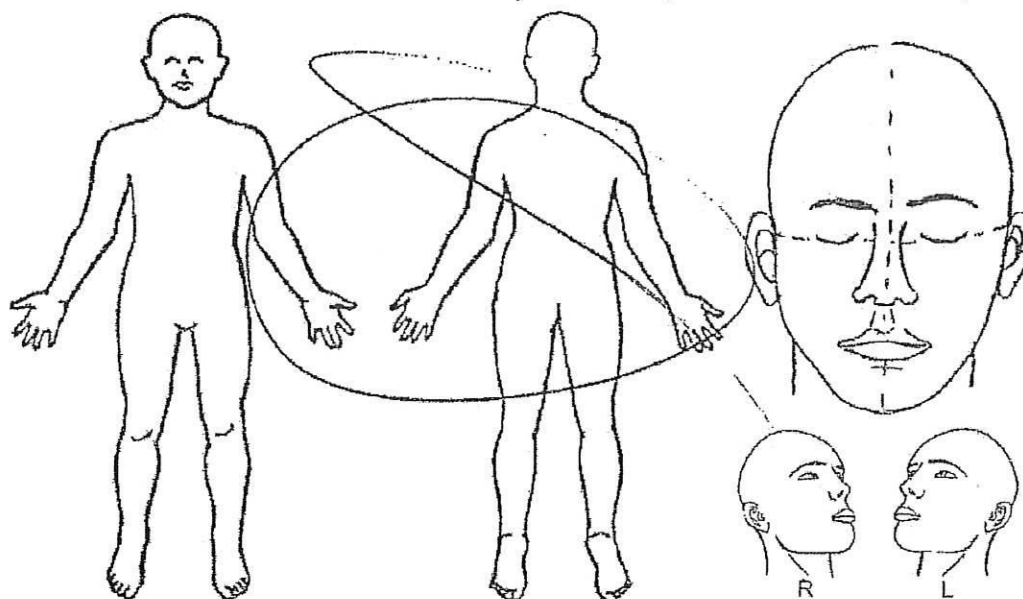
Alabama Department of Corrections
Inmate Body Chart Documentation Form



Institution: UCF Date: 10/30/19 Time: 0100
Individual Requesting Body Chart (print name): Miles Title: Lt

Inmate statement:

" I had the nerve to ask a white
man why he put my stuff in his pocket."



Description of markings:

No open marks, wounds or bruises noted, skin
warm, dry & intact

Check below:

- ☐ *Progress Note additionally completed and filed in the inmate health record.
☐ *Special Health Needs Communication Form completed and distributed, as necessary.

Health Professional (signature): Doreen Finley, RN Date: 10/30/19 Time: 0100

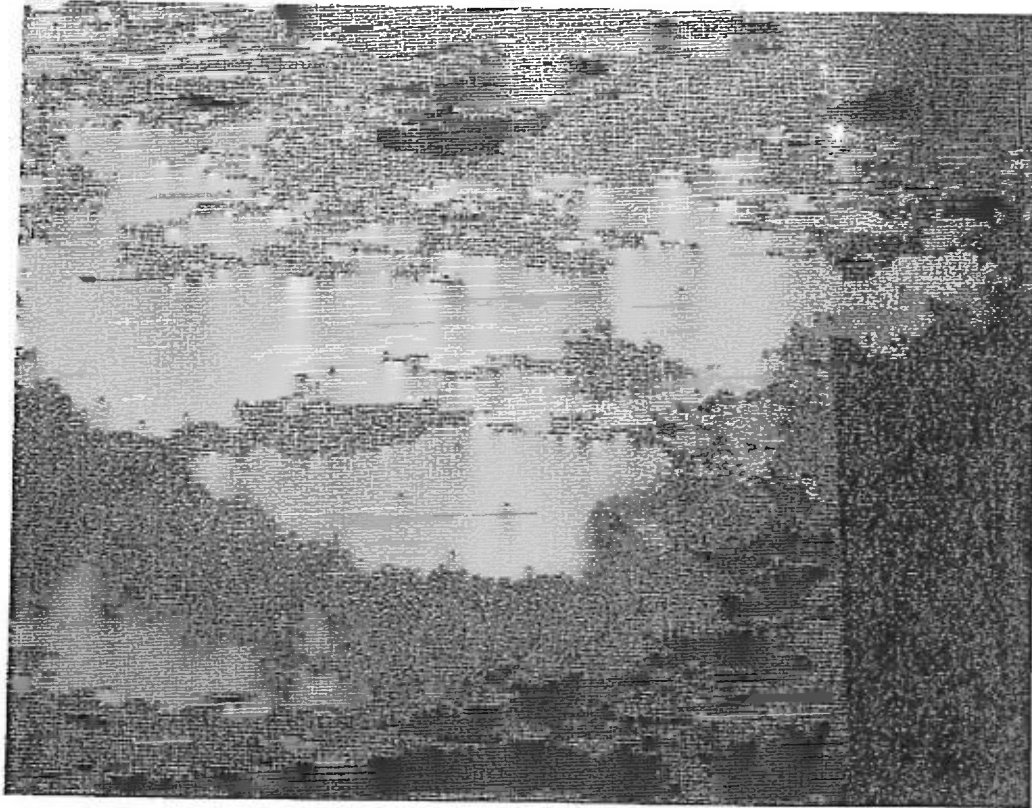
Inmate Name: Council, Robert AIS #: 181418 DOB: [REDACTED]

Alabama Department of Corrections
Mental Health Referral Form



Inmate/Patient Information:	
Name: Council, Robert	AIS#: 181418
Facility: LCF	Housing Unit: C
Date of referral: 10-30-19	Time: 0100
Reason for Referral: Seg Placement	
Person Making Referral:	
Name: G. Luider	
Title: LPN	Date: 10/31/19 Time: 0100
<input type="checkbox"/> ADOC Employee <input checked="" type="checkbox"/> Medical/Mental Health Staff <input type="checkbox"/> Patient (Self-Referral) <input type="checkbox"/> Other	Additional Info:
Referral Received by Triage* Registered Nurse:	
Name: Debbie Bunn	Title: RN
Date Received: 10-30-19	Time Received: 0100
Triage* Registered Nurse Completing Information Below:	
Signature: <i>Debbie Bunn</i>	
Date: 10-30-19	Time: 0100
Nurse Determination	
<input type="checkbox"/> Emergent referral required (Notify On-Call MHP or Psychologist) ** <input type="checkbox"/> Urgent referral required (Notify On-Call MHP or Psychologist) ** <input checked="" type="checkbox"/> Routine referral required (Notify MH next business day)	
MHP or Psychologist Notified?	Name: Date: Time:
Referral to Psychiatrist indicated?	
Comments:	
*Triage nurse must be an R.N. with mental health training **Emergent or Urgent Referrals- Notify MHP or Psychologist within 1 hour	

ADOC - Office of Health Services
MH E-5.5 (a)
092018



Officer Statement

On October 29, 2019, I, Officer Dustin Brewer was assigned as a population rover.

At approximately 11:35 p.m., I conducted a routine search of inmate Robert Council's B/181418(B25-1A) (62 Brim) personal property inside Dormitory B. During the search I found five (5) small pieces of paper inside an envelope believed to have been sprayed with an unknown chemical commonly known as "FLAKKA" concealed in inmate Council's personal property box. I placed inmate Council in Handcuffs (Double locked) and secured the contraband in my right front pocket. I called for a Supervisor to report to Dormitory B via handheld Radio. I reported the incident to Sergeant Charles Thompson.

Officer Dustin Brewer

Alabama Department of Corrections

DISC002

DISCIPLINARY REPORT

403A (5-7)

Incident Report Number: LCF-19-01420

1. Inmate: COUNCIL, ROBERT EARL

Custody: MEDIUM

AIS: 00181418X

2. Institution: LIMESTONE CORRECTIONAL CENTER

Disc #: LCF-19-01420-1

3. The above inmate is being charged by: BREWER, DUSTIN M

with a violation of the following Rule(s):

934 - Possession of contraband

From Administrative Regulation #403, which occurred on or about:

Oct 29 2019 11:35PM at Dormitory B Cell 25

A hearing on this charge will be held after 24 hours from being served.

4. Circumstances of the violation(s) are as follows:

You inmate Robert Council B/181418, were found to have in your possession five (5) small pieces of paper believed to be sprayed with the chemical commonly known as "FLAKKA". This places you in direct violation of Administrative Regulation 403, Rule Violation #934- Possession of Contraband.

10/29/2019

Date

BREWER, DUSTIN M / Officer

Arresting Officer Name / Title

5. I hereby certify that on this 30th day of October, 2019, at (time) 03:48:00, I have personally served a copy of the foregoing upon the above named inmate and I have informed the inmate of his/her right to present oral or written statement at the hearing and to present written questions for the witnesses.

MONICAL, KENDRA L

Serving Officer Name / Title

See Signed 403A (1-4)

Inmate's Signature / AIS Number

6. Witnesses desired?

NO:

Inmate's Signature

YES: See Signed 403A (1-4)

Inmate's Signature

7. If yes, list: CAPLES, JUAN ROMIEA / 00176022X

Jones, Monte

Alabama Department of Corrections
DISCIPLINARY REPORT
 403A Final

DISC006

Incident Report Number: LCF-19-01420

1. Inmate: COUNCIL, ROBERT EARL

Custody: MEDIUM

AIS: 00181418X

2. Institution: LIMESTONE CORRECTIONAL CENTER

Disc #: LCF-19-01420-1

3. The above inmate is being charged by: BREWER, DUSTIN M

with a violation of the following Rule(s):

934 - Possession of contraband

From Administrative Regulation #403, which occurred on or about:

Oct 29 2019 11:35PM at Dormitory B Cell 25

A hearing on this charge will be held after 24 hours from being served.

4. Circumstances of the violation(s) are as follows:

You inmate Robert Council B/181418, were found to have in your possession five (5) small pieces of paper believed to be sprayed with the chemical commonly known as "FLAKKA". This places you in direct violation of Administrative Regulation 403, Rule Violation #934- Possession of Contraband.

10/29/2019

BREWER, DUSTIN M / Officer

Date

Arresting Officer Name / Title

5. I hereby certify that on this 30th day of October, 2019, at (time) 03:48:00, I have personally served a copy of the foregoing upon the above named inmate and I have informed the inmate of his/her right to present oral or written statement at the hearing and to present written questions for the witnesses.

MONICAL, KENDRA L

See Signed 403A (1-4)

Serving Officer Name / Title

Inmate's Signature / AIS Number

6. Witnesses desired?

NO:

YES: See Signed 403A (1-4)

Inmate's Signature

Inmate's Signature

7. If yes, list: CAPLES, JUAN ROMIEA / 00176022X

Jones, Monte

8. Hearing Date: November 4, 2019

Time: 23:58:00

Place: Dormitory C Interview Room

9. Inmate must be present in Hearing Room. If he / she is not present, explain in detail on additional page and attach.

10. The Arresting Official, Inmate, and all Witnesses were sworn to tell the truth.

JONES, MICHAEL J

Hearing Officer Name / Title

11. A finding is made that the inmate is capable of representing himself / herself.

JONES, MICHAEL J

Hearing Officer Name / Title

12. Plea: COUNCIL, ROBERT EARL / 00181418X

Not Guilty

13. Arresting Official's testimony (at the hearing):

Alabama Department of Corrections

DISC006

DISCIPLINARY REPORT CONTINUATION LCF-19-01420-1

403A Final

On October 29, 2019, I, Officer Dustin Brewer was assigned as a population rover.

At approximately 11:35 p.m., I conducted a routine search of inmate Robert Council's B/181418(B25-1A) (62 Brim) personal property inside Dormitory B. During the search I found five (5) small pieces of paper inside an envelope believed to have been sprayed with an unknown chemical commonly known as "FLAKKA" concealed in inmate Council's personal property box. I placed inmate Council in Handcuffs (Double locked) and secured the contraband in my right front pocket. I called for a Supervisor to report to Dormitory B via handheld Radio. I reported the incident to Sergeant Charles Thompson.

14. Inmate's testimony:

At no time did I possess any pieces of paper sprayed with any chemical, Flakka or otherwise. Dustin Brewer, under the instructions of Sgt. Jeremy Pelzer conspired, plotted and unlawfully lodged false charges against me in order to wrongfully place me in segregation; with hopes that it would prevent me from talking to I & I and D.O.J. about the corrupt and unlawful acts being carried out by Jeremy Pelzer and other officers at Limestone C.F. This charge is fabrication and I want all evidence tested – at my expense.

1. How did you determine that 5 pieces of paper out of 2000 pieces of paper in my cell were sprayed with Flakka? They were tested.
2. Was it sprayed with Flakka or not? It was passes off to a Sgt. and he tested it.

14a Witness: CAPLES, JUAN ROMIEA / 00176022X

Testimony: 1. During the shakedown of our cell did you witness Officer Brewer turn sideways fumbling in his pocket? Yes. During a shakedown of our cell, the two officers came in and searched for a while then Officer Brown placed something in his pocket. I told Council and he kept asking what it was but was not told. Council then asked to see a supervisor. When Council asked the supervisor what it was he was placed in handcuffs.

15. The inmate was allowed to submit question(s) to all witnesses. Copy of questions and answers are attached.

JONES, MICHAEL J

Hearing Officer Name / Title

16. The following witnesses were not called:

Witness: Jones, Monte

Reason Not Called: Not in the DOC system.

17. After hearing all of the testimony, the Hearing Officer makes the following findings of fact (Be Specific):

The hearing Officer finds that:

On October 29, 2019, Inmate Robert council was found in possession of (5) five small pieces of paper sprayed with Flakka by Officer Brown.

18. Basis for finding of fact:

Arresting Officer's statement and Arresting Officer's answers to questions presented by Inmate Council.

19. Hearing Officer's decision: ☒ Guilty ☐ Not Guilty ☐ Recommend for reinitiation

20. Hearing Officer's recommendation of sanction(s) to be taken against this inmate:

☐ Counseling / Warning

☐ Extra Duty for ____ days at ____ hours per day under supervision ____ Shift

☐ Loss of Outside privileges for ____ days

Community Based Institutions Only:

☒ Loss of Canteen privileges for 45 days, as of 11/29/2019

☐ Draw cut to ____ (min \$25) for ____ days

☒ Loss of Telephone privileges for 45 days, as of 11/29/2019

☐ Restriction / State Whites for ____ days

☒ Loss of Visiting privileges for 45 days, as of 11/29/2019

☐ Loss of Passes for ____ days

☐ Removal from Hobby Craft

☐ Return to Inmate Staff for ____ days

☐ Loss of Good Time ____ Yrs ____ Mos ____ Dys

☒ Disciplinary Seg for 45 days

☐ Recommend Custody Review

Run Date: 11/8/2019 2:41:35 PM

Page 2 of 4

Alabama Department of Corrections
DISCIPLINARY REPORT CONTINUATION LCF-19-01420-1
 403A Final

DISC006

☐ Recommend Job Change

☐ Financial Compensation _____

JONES, MICHAEL J
 Hearing Officer Name / Title

21. Warden's Action - Date: 11/07/2019

Approved Stephen Langford

Disapproved _____

Other (specify) _____

22. I hereby certify that a completed copy of the foregoing Disciplinary Report was served on the above named Inmate on this the 8th day of November, 2019 at 09:05:00.

23. FLEMING, ANTHONY R

Serving Officer Name / Title

Inmate Refused to Sign

Inmate's Signature / AIS Number

Procedural Requirements:

- | | |
|--|-----|
| 1. The inmate was positively identified as the inmate that has the rule violation? | Yes |
| 2. The inmate was given written notice of charges at least 24 hours prior to the hearing? | Yes |
| 3. The inmate was able to attend the hearing? | Yes |
| 4. If the inmate wanted witnesses, he/she was permitted to call at least (3) witnesses? | Yes |
| 5. The inmate was allowed to prepare questions for the witnesses? | Yes |
| 6. The hearing is being held within ten (10) working days from the date the inmate was served? | Yes |
| 7. The inmate was provided ADOC assistance, if it was requested or warranted? | Yes |
| 8. Did the Arresting Officer use a confidential source? | No |
| 1. Has the source been used before? | |
| 2. How many times has the source been used before? | |

Run Date: 11/8/2019 2:41:35 PM

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Alabama Department of Corrections

DISC006

DISCIPLINARY REPORT CONTINUATION LCF-19-01420-1

403A Final

3. Was the information provided in the past truthful?
4. Has other information been received to corroborate sources' given information?
5. Has the information uncovered during the investigation given the source a reason to lie?
6. Is the information from the confidential source reliable?

Procedural Requirements Completed By: JONES, MICHAEL J

Distribution: Original to Central Records Division
Copy to: I & I (If Federal or State law violated)
Inmate Institutional File
Board of Pardons and Parole
Sentencing Judge (if applicable)

00181418X X

Alabama Department of Corrections

DISC004

DISCIPLINARY REPORT
403A Warden Decision

Incident Report Number: LCF-19-01420

AID 1A

1. Inmate: COUNCIL, ROBERT EARL

Custody: MEDIUM

AIS: 00181418X

2. Institution: LIMESTONE CORRECTIONAL CENTER

Disc #: LCF-19-01420-1

3. The above Inmate is being charged by: BREWER, DUSTIN M

with a violation of the following Rule(s):

934 - Possession of contraband

From Administrative Regulation #403, which occurred on or about:

Oct 29 2019 11:35PM at Dormitory B Cell 25

A hearing on this charge will be held after 24 hours from being served.

4. Circumstances of the violation(s) are as follows:

You inmate Robert Council B/181418, were found to have in your possession five (5) small pieces of paper believed to be sprayed with the chemical commonly known as "FLAKKA". This places you in direct violation of Administrative Regulation 403, Rule Violation #934- Possession of Contraband.

10/29/2019

BREWER, DUSTIN M / Officer

Date

Arresting Officer Name / Title

5. I hereby certify that on this 30th day of October, 2019, at (time) 03:48:00, I have personally served a copy of the foregoing upon the above named inmate and I have informed the inmate of his/her right to present oral or written statement at the hearing and to present written questions for the witnesses.

MONICAL, KENDRA L

See Signed 403A (1-4)

Serving Officer Name / Title

Inmate's Signature / AIS Number

6. Witnesses desired?

NO:

YES: See Signed 403A (1-4)

Inmate's Signature

Inmate's Signature

7. If yes, list: CAPLES, JUAN ROMIEA / 00176022X

Jones, Monte

8. Hearing Date: November 4, 2019

Time: 23:58:00

Place: Dormitory C Interview Room

9. Inmate must be present in Hearing Room. If he / she is not present, explain in detail on additional page and attach.

10. The Arresting Official, Inmate, and all Witnesses were sworn to tell the truth.

JONES, MICHAEL J

Hearing Officer Name / Title

11. A finding is made that the inmate is capable of representing himself / herself.

JONES, MICHAEL J

Hearing Officer Name / Title

12. Plea:

COUNCIL, ROBERT EARL / 00181418X

Not Guilty

13. Arresting Official's testimony (at the hearing):

On October 29, 2019, I, Officer Dustin Brewer was assigned as a population rover.

At approximately 11:35 p.m., I conducted a routine search of inmate Robert Council's B/181418(B25-1A) (62 Brim) personal property inside Dormitory B. During the search I found five (5) small pieces of paper inside an envelope believed to have been sprayed with an unknown chemical commonly known as "FLAKKA" concealed in inmate Council's personal property box. I placed inmate Council in Handcuffs (Double locked) and secured the contraband in my right front pocket. I called for a Supervisor to report to Dormitory B via handheld Radio. I reported the incident to Sergeant Charles Thompson.

14. Inmate's testimony:

Run Date: 11/7/2019 2:35:59 PM

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Alabama Department of Corrections

DISCIPLINARY REPORT CONTINUATION LCF-19-01420-1
403A Warden Decision

At no time did I possess any pieces of paper sprayed with any chemical, Flakka or otherwise. Dustin Brewer, under the instructions of Sgt. Jeremy Pelzer conspired, plotted and unlawfully lodged false charges against me in order to wrongfully place me in segregation; with hopes that it would prevent me from talking to I & I and D.O.J. about the corrupt and unlawful acts being carried out by Jeremy Pelzer and other officers at Limestone C.F. This charge is fabrication and I want all evidence tested - at my expense.

1. How did you determine that 5 pieces of paper out of 2000 pieces of paper in my cell were sprayed with Flakka? They were tested.
2. Was it sprayed with Flakka or not? It was passes off to a Sgt. and he tested it.

14a Witness: CAPLES, JUAN ROMIEA / 00176022X

Testimony: 1. During the shakedown of our cell did you witness Officer Brewer turn sideways fumbling in his pocket? Yes. During a shakedown of our cell, the two officers came in and searched for a while then Officer Brown placed something in his pocket. I told Council and he kept asking what it was but was not told. Council then asked to see a supervisor. When Council asked the supervisor what it was he was placed in handcuffs.

15. The Inmate was allowed to submit question(s) to all witnesses. Copy of questions and answers are attached.

JONES, MICHAEL J

Hearing Officer Name / Title

16. The following witnesses were not called:

Witness: Jones, Monte

Reason Not Called: Not in the DOC system.

17. After hearing all of the testimony, the Hearing Officer makes the following findings of fact (Be Specific):

The hearing Officer finds that:

On October 29, 2019, Inmate Robert council was found in possession of (5) five small pieces of paper sprayed with Flakka by Officer Brown.

18. Basis for finding of fact:

Arresting Officer's statement and Arresting Officer's answers to questions presented by Inmate Council.

19. Hearing Officer's decision: ☒ Guilty ☐ Not Guilty ☐ Recommend for reinitiation

20. Hearing Officer's recommendation of sanction(s) to be taken against this Inmate:

☐ Counseling / Warning

☐ Extra Duty for ___ days at ___ hours per day under supervision _____ Shift

☐ Loss of Outside privileges for ___ days

Community Based Institutions Only:

☒ Loss of Canteen privileges for 45 days, as of 11/29/2019

☐ Draw cut to ___ (min \$25) for ___ days

☒ Loss of Telephone privileges for 45 days, as of 11/29/2019

☐ Restriction / State Whites for ___ days

☒ Loss of Visiting privileges for 45 days, as of 11/29/2019

☐ Loss of Passes for ___ days

☐ Removal from Hobby Craft

☐ Return to Inmate Staff for ___ days

☐ Loss of Good Time ___ Yrs ___ Mos ___ Dys

☒ Disciplinary Seg for 45 days

☐ Recommend Custody Review

☐ Recommend Job Change

☐ Financial Compensation _____

JONES, MICHAEL J

Hearing Officer Name / Title

21. Warden's Action - Date: 11/07/2019

Approved Stephen Langford

Run Date: 11/7/2019 2:35:59 PM

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Alabama Department of Corrections
DISCIPLINARY REPORT CONTINUATION LCF-19-01420-1
403A Warden Decision

Disapproved _____

Other (specify) _____

22. I hereby certify that a completed copy of the foregoing Disciplinary Report was served on the above named Inmate on this the 8th day of November, 2019 at (time) 9:05 (am ~~pm~~).

23. [Signature]
Serving Officer Name / Title

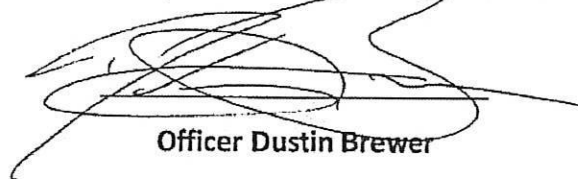
[Signature] COI
Inmate's Signature / AIS Number

Distribution: Original to Central Records Division
Copy to: I & I (if Federal or State law violated)
Inmate Institutional File
Board of Pardons and Parole
Sentencing Judge (if applicable)

Officer Statement

On October 29, 2019, I, Officer Dustin Brewer was assigned as a population rover.

At approximately 11:35 p.m., I conducted a routine search of inmate Robert Council's B/181418(B25-1A) (62 Brim) personal property inside Dormitory B. During the search I found five (5) small pieces of paper inside an envelope believed to have been sprayed with an unknown chemical commonly known as "FLAKKA" concealed in inmate Council's personal property box. I placed inmate Council in Handcuffs (Double locked) and secured the contraband in my right front pocket. I called for a Supervisor to report to Dormitory B via handheld Radio. I reported the incident to Sergeant Charles Thompson.



Officer Dustin Brewer

Alabama Department of Corrections
DISCIPLINARY REPORT

DISC001

403A (1-4)

Incident Report Number: LCF-19-01420

1. Inmate: COUNCIL, ROBERT EARL

Custody: MEDIUM

AIS: 00181418X

2. Institution: LIMESTONE CORRECTIONAL CENTER

3. The above Inmate is being charged by: BREWER, DUSTIN M

Disc #: LCF-19-01420-1

with a violation of the following Rule(s):

934 - Possession of contraband

From Administrative Regulation #403, which occurred on or about:

Oct 29 2019 11:35PM at Dormitory B Cell 25

A hearing on this charge will be held after 24 hours from being served.

4. Circumstances of the violation(s) are as follows:

You inmate Robert Council B/181418, were found to have in your possession five (5) small pieces of paper believed to be sprayed with the chemical commonly known as "FLAKKA". This places you in direct violation of Administrative Regulation 403, Rule Violation #934- Possession of Contraband.

10/29/2019

Date

BREWER, DUSTIN M / Officer

Arresting Officer Name / Title

5. I hereby certify that on this 30 day of October, 20 19, at (time) 3:48 (am pm), I have personally served a copy of the foregoing upon the above named inmate and I have informed the inmate of his/her right to present oral or written statement at the hearing and to present written questions for the witnesses.

Kendra Monical CO1
Serving Officer Name / Title

x [Signature] 181418
Inmate's Signature / AIS Number

6. Witnesses desired?

NO:

Inmate's Signature

YES:

Inmate's Signature

7. If yes, list:

AIS:

AIS:

AIS:

NAME:

NAME:

NAME:

? 174022 NAME: JUAN CAPLES
MONTE JAMES
BRISON

NCDT019

Alabama Department of Corrections
INCIDENT REPORT

1. Institution/Division: LIMESTONE CORRECTIONAL CENTER		2. Date: 10/30/2019	3. Time: 9:45:00 AM	4. Inc. No: LCF-19-01428 Class Code: C
5. Type of Incident - PRIMARY: Hunger Strike				
6. Type of Incident - Secondary: N/A				
7. Who Received Report: HOWELL, STEVEN C			8. Time Incident Reported: 10/30/2019 9:52:00 AM	
9. Location of Incident: Dormitory C, (Cell C16)				
10 Victim(s):	Name N/A	AIS	STG Name	
11. Suspect(s):	Name COUNCIL, ROBERT	AIS 00181418	STG Name	
12. Witness(es):	Name N/A	AIS	STG Name	
PHYSICAL EVIDENCE:				
13. Type of Evidence / Description: N/A			14. Chain of Evidence / Location & Date: N/A	
15. Narrative Summary: On October 30, 2019, Officer Walter Moore, was the assigned rover in Dormitory C. At approximately 9:45 a.m. Officer Moore was conducting a security check in the dormitory. Officer Moore approached Cell C16, assigned to inmate Robert Council B/181418 (C16-1A) (blood affiliated). Inmate Council stated that inmate Council was going on Hunger Strike. Officer Moore questioned inmate Council on why. Inmate Council stated that inmate Council was wrongfully locked up. At approximately 9:52 a.m. Officer Moore contacted Sergeant Steven Howell by telephone, and reported the incident to Sergeant Howell. At approximately 3:02 p.m., Sergeant Howell escorted Registered Nurse Ivan Madder to Dormitory C. Nurse Madder conducted a medical evaluation on Inmate Council. Sergeant Howell questioned inmate Council about inmate Council's actions. Inmate Council denied any involvement with drugs. Officer Moore and Sergeant Howell conducted a search of Cell C16, with no food items found. Inmate Council was secured in cell C16. 10/31/2019 7:58 AM by steven,howell				
Signature: _____				

NCDT019

Alabama Department of Corrections

INCIDENT REPORT

1. Institution/Division: LIMESTONE CORRECTIONAL CENTER		2. Date: 10/31/2019	3. Time: 3:00:00 PM	4. Inc. No: LCF-19-01434
5. Type of Incident - PRIMARY: Contraband - Possession or Discovery		Class Code: C		
6. Type of Incident - Secondary: Drugs - Selling - Inmate Intentionally Creating a Security/Safety/Health Hazard (Staff/Inmate) Participating in Security Threat Group Activity (gang) Violation of ADOC Regulations/Standard Operating Procedures (or Conspiring, Aiding and Abetting)				
7. Who Received Report: MCKENZIE, DENICE		8. Time Incident Reported: 11/1/2019 8:00:00 AM		
9. Location of Incident: Limestone Correctional Facility				
10. Victim(s):	Name N/A	AIS	STG Name	
11. Suspect(s):	Name BETHUNE, TONY HARRIS, ALEJANDRO CLARK, CLATE MITCHELL, DERRICK COUNCIL, ROBERT	AIS 00117884 00283252 00284015 00206713 00181418	STG Name	
12. Witness(es):	Name N/A	AIS	STG Name	
PHYSICAL EVIDENCE:				
13. Type of Evidence / Description: N/A		14. Chain of Evidence / Location & Date: N/A		
15. Narrative Summary: On October 23, 2019, Sergeant Jeremy Pelzer was assigned as the Security Threat Group Coordinator at Limestone Correctional Facility. At approximately 8:00 p.m., Sergeant Jeremy Pelzer received information from a confidential informant that inmate Anthony Williams, B/507912 (B77-22A) (Insane Gangster Disciple), was transporting drugs from the Restrictive Housing Unit to Population. Inmate Williams is an assigned Institutional Barber. (LCF-19-01395) At approximately 10:00 p.m., Sergeant Pelzer began interviewing several confidential informants that have been proven reliable in the past. The informants stated that a large amount of the drug "Flakka" was being transported from the Restrictive Housing Unit to be sold in Population at Limestone Correctional Facility. The main form of transportation was the Restrictive Housing Barbers. The informants further stated the gangs were controlling the money and distribution. On October 24, 2019, at approximately 6:30 p.m., Officer David Roggensack observed an object being pulled through the window into Dormitory C cell C1. Dormitory C is in the Restrictive Housing Unit. Inmate Pierre Sony, B/231571 (CII-1A) (62 Brim), was the occupant of cell C1. During the search of cell C1, Officer Roggensack discovered and confiscated fifteen (15) TOP cigarettes and a note addressed to inmate Stetory Calhoun, B/269307 (B77-12A) (62 Brim). The note was requesting inmate Calhoun to send inmate Say drugs into the Restrictive Housing Unit. (LCF-19-01414) At approximately 8:00 p.m., Sergeant Pelzer began an investigation into drug activity in relation to the Security Threat Group 62 Brim at Limestone Correctional Facility. At approximately 8:30 p.m., Sergeant Pelzer began interviewing several confidential informants about the activities of 62 Brim at Limestone Correctional Facility. The informants stated Dormitory B had a network of drug distribution set up due to lack of Correctional Staff roving the Dormitory. The informants stated inmate Robert Council, B/181418 (B25-1A) (62 Brim), was in charge of the drug distribution in Dormitory B. Inmate Council was receiving the drugs through Restrictive Housing Barbers. On October 29, 2019, Sergeant Pelzer received information from a confidential informant that inmate Larry Jones, B/220191 (B77-22A) (No Known Affiliation), would				

Page 1 of 3

ADOC Form 302-A - August 2, 2010

Alabama Department of Corrections
INCIDENT REPORT CONTINUATION LCF-19-01434

15. Narrative Summary:

be transporting "Flakka" from the Restrictive Housing Unit to Dormitory B. Inmate Jones was a Restrictive Housing Barber. At approximately 9:30 p.m., Sergeant Pelzer instructed Officer Jesse White to search inmate Jones. Officer White confiscated a note from inmate Jones addressed to inmate Council. The note requested inmate Council to send an unknown inmate some smokes into the Restrictive Housing Unit. The note also lists a Cash App account for inmate Derrick Mitchell, B/206713 (C68-1A) (62 Brim), and requests inmate Council let inmate Mitchell know who the money is coming from. At approximately 10:00 p.m., Sergeant Pelzer interviewed inmate Jones. [REDACTED]

At approximately 11:35 p.m., Sergeant Charles Thompson, Officer Brandon Cothrum, and Officer Dustin Brewer entered Dormitory B to conduct a routine search of the Dormitory. Officers Brower and Cothrum entered Cell 25 to conduct a search of inmate Council's personal property inside Dormitory B. At approximately 11:42 p.m., during the search Officer Brower confiscated five (5) small pieces of paper believed to have been sprayed with an unknown chemical commonly known as the drug "Flakka" inside an envelope concealed in inmate Council's personal property box. Inmate Council was placed in the Restrictive Housing Unit. (LCF-19-01429) On October 30, 2019, at approximately 12:15 a.m., Officers Aaron Brolsma and Roggensack entered cell C68 assigned to inmate Mitchell to conduct a search of the cell. During the search, Officer Roggensack confiscated four (4) handmade weapons in cell C68. (LCF-19-01419) Officer Roggensack also confiscated a letter to inmate Mitchell requesting inmate Mitchell sell an unknown inmate a piece of "Flakka" paper. Officer Roggensack also confiscated banking account information for an offshore bank in Nassau, Bahamas. Officer Brolsma confiscated a letter addressed to inmate Mitchell from an inmate Clate Clark, W/284015 (I77-19B) (Simon City Royal). Inmate Clark states inmate Clark is attempting to get some tobacco to inmate Mitchell and asks inmate Mitchell if inmate Mitchell had received the money through Cash App from inmate Council. Inmate Clark states inmate [REDACTED] would be bringing inmate Mitchell some tobacco. [REDACTED] is a Restrictive Housing Barber. Inmate Clark states inmate Alejandro Harris, B/283252 (C26-1A) (62 Brim), can pick up a package for inmate Mitchell when inmate Harris pushes out the chow carts. Inmate Harris is a Restrictive Housing Runner. Officer Brolsma also confiscated two (2) rectangular pieces of paper. Inmate Mitchell stated the pieces of paper were templates for cutting "Flakka" paper. At approximately 12:45 a.m., Sergeant Pelzer interviewed inmate [REDACTED]. Inmate [REDACTED] stated inmate Mitchell paid inmate [REDACTED] to take a scribe to inmate Council so inmate Mitchell could get some prison money. Inmate [REDACTED] also took scribes to inmate Clark. Inmate [REDACTED] stated inmate [REDACTED] knew inmate [REDACTED] was taking "Flakka" paper with the scribes to inmates Clark and Council. Inmate [REDACTED] stated inmate [REDACTED] would not be safe in Population with inmates Council or Mitchell. Inmate [REDACTED] On October 31, 2019, at approximately 1:45 a.m., Sergeant Pelzer instructed Officers Brower and Brolsma to search inmate Clark and place inmate Clark in the Restrictive Housing Unit. At approximately 2:00 a.m., Officers Brower and Brolsma entered Dormitory I and located inmate Clark on bed I77-19B. Officer Brower placed inmate Clark in handcuffs, double locked. During the search of inmate Clark's property Officer Brolsma confiscated a note from inmate Mitchell telling inmate Clark to send inmate Mitchell money to inmate Mitchell's Cash App for the "Flakka" paper that inmate Mitchell sent inmate Clark. Officer Brolsma confiscated a Cash App account for a [REDACTED]. Officer Brower confiscated Security Threat Group material in the form of a Simon City Royal Death Pledge. At approximately 2:25 a.m., Officers Brower and Brolsma entered the Shift Commander's office escorting inmate Clark and inmate Clark's property. Officer Brower reported the incident. Officers Brower and Brolsma exited the Shift Commander's Office escorting inmate Clark and inmate Clark's personal property to the Health Care Unit for a medical evaluation. At approximately 2:35 a.m., Officers Brower and Brolsma entered the Health Care Unit escorting inmate Clark and inmate Clark's property. Nurse Tammy Bryant completed a body chart of inmate Clark with no injuries noted. At approximately 2:50 a.m., Officers Brower and Brolsma exited the Health Care Unit escorting inmate Clark and inmate Clark's property to Dormitory C for placement into Restrictive Housing. At approximately 2:55 a.m., Officers Brower and Brolsma entered Dormitory C escorting inmate Clark and inmate Clark's property. Officer Jermaine Bates inventoried and secured inmate Clark's property in the Dormitory C property room. Inmate Clark was placed in cell C35-1A. At approximately 4:00 a.m., Sergeant Pelzer received information from a confidential informant that inmate Tony Beltrane, B/117884 (L2-1A) (Gangster Disciple), was selling "Flakka" paper in Population. At approximately 4:30 a.m., Sergeant Pelzer instructed Officers